



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/044,913

01/15/2002

James Patrick Goodwin

23452-506

4962

909

7590

05/23/2006

PILLSBURY WINTHROP SHAW PITTMAN, LLP

P.O. BOX 10500

MCLEAN, VA 22102

EXAMINER

STORK, KYLE R

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,913

Applicant(s)

GOODWIN ET AL.

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action is in response to the amendment filed 27 March 2006.
2. Claims 1-20 are pending. Claims 1, 6, 11, and 16 are independent claims. The rejection of claims under 35 U.S.C. 103 under Hurwood et al. (US 6772137, filed 20 June 2001) and further in view of Shanahan (EP 1143356, published 10 October 2001) and Summerlin et al. (US 6553365, filed 13 June 2000) has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood et al. (US 6772137, filed 20 June 2001, hereafter Hurwood) and further in view of Clendinning et al. US 2002/0107861, filed 7 December 2000, hereafter Clendinning).

Hurwood discloses a method for using extensible markup language to normalize objects that are stored in one or more of a plurality of object repository types, the method comprising the steps of:

- The object comprises metadata (column 6, lines 24-28)

- Identifying the at least one object stored in the one or more of the plurality of object repository types (column 3, line 41- column 16: Here, a query is submitted. The information satisfying the query is identified and processed to conform to a proper format)
- Extracting at least one portion of the at least one object, wherein the at least one portion is extracted in extensible markup language (XML) format (column 6, lines 45-51: Here, the query report presents data in the XML format)
- Transmitting the at least one portion to a processor (Figure 2; column 5, lines 14-16)
- Processing the at least one portion (Figure 2; column 5, lines 16-34)

Hurwood fails to specifically disclose determining, from the plurality of object repository types, the one or more object repository types that store at least one object. However, Hurwood suggests that based upon a search query, determining a repository type, and then obtaining an object from the repository storing the object (Figure 1; column 2, line 57- column 3, line 9, 28-40, 56- column 4, line 3: Here, several repository types are disclosed, including Sybase™ OLAP, SQL, SAN, and Microsoft Access™. The search query is modified to comply with the proper format of the repository). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's suggestion of determining repository types with Hurwood, since it would have allowed a user to enter a single query and query several data repositories (column 3, line 56- column 4, line 3).

Hurwood fails to specifically disclose generating a meta-document representation of a portion of a repository and normalizing the one or more repositories, wherein processing the meta-document representation comprises mapping a field in the meta-document representation with a field designation identifier. However, Clendinning discloses generating a meta-document representation of a portion of a repository (paragraph 0038) and normalizing the one or more repositories, wherein processing the meta-document representation comprises mapping a field in the meta-document representation with a field designation identifier (paragraphs 0048-0051). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Clendinning with Hurwood, since it would have allowed a user to maintain real time data in all databases (Clendinning: paragraph 0049).

As per independent claim 6, the applicant discloses the limitations similar to those in claim 1. Claim 6 is similarly rejected.

As per independent claim 11, the applicant discloses the limitations similar to those in claim 1. Claim 11 is similarly rejected.

As per independent claim 16, the applicant discloses the limitations similar to those in claim 1. Claim 16 is similarly rejected.

5. Claims 2-4, 7-9, 11-14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood and Clendinning, and further in view of Shanahan (EP 1143356, published 10 October 2001).

As per dependent claim 2, Hurwood and Clendinning discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein some of the metadata is preserved. However, Shanahan discloses the method wherein some of the metadata is preserved (paragraph 0015: Here, metadata has the ability to adapt to changes. This preserves some of the metadata).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily modify and store metadata.

As per dependent claim 3, Hurwood, Clendinning, and Shanahan disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Shanahan discloses the method wherein the metadata that is preserved includes at least one of author, title, subject, date created, date modified, list of modifiers, and link list information (paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood and Shanahan's method with Shanahan's method, since it would have allowed a user to store data about a document.

As per dependent claim 4, Hurwood and Clendinning disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose mapping at least one field in the at least one object with a field designation identifier. However, Shanahan discloses the method further comprising the

step of mapping at least one field in the at least one object with a field designation identifier (paragraph 0021: Here, the data is mapped to tags such as <MYNAME> and <WANT>).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily add data to be stored.

As per dependent claim 7, the applicant discloses the limitations similar to those in claim 2. Claim 7 is similarly rejected.

As per dependent claim 8, the applicant discloses the limitations similar to those in claim 3. Claim 8 is similarly rejected.

As per dependent claim 9, the applicant discloses the limitations similar to those in claim 4. Claim 9 is similarly rejected.

As per dependent claim 12, the applicant discloses the limitations similar to those in claim 2. Claim 12 is similarly rejected.

As per dependent claim 13, the applicant discloses the limitations similar to those in claim 3. Claim 13 is similarly rejected.

As per dependent claim 14, the applicant discloses the limitations similar to those in claim 4. Claim 14 is similarly rejected.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 2. Claim 17 is similarly rejected.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 3. Claim 18 is similarly rejected.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 4. Claim 19 is similarly rejected.

6. Claims 5, 10, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood and Clendinning in further view of Summerlin et al. (US 6553365, filed 13 June 2003, patent 22 April 2003, hereafter Summerlin).

As per dependent claim 5, Hurwood and Clendinning disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine. Summerlin discloses the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine (Figure 6; column 12, lines 16-20: Here, the taxonomy engine searches the database).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Summerlin's method, since it would have allowed a user to search a metadata repository for information.

As per dependent claim 10, the applicant discloses the system for execution of the method of claim 5. Claim 10 is similarly rejected.

As per dependent claim 15, the applicant discloses the system for execution of the method of claim 5. Claim 15 is similarly rejected.

As per dependent claim 20, the applicant discloses the system for execution of the method of claim 5. Claim 20 is similarly rejected.

Response to Arguments

7. Applicant's arguments filed 27 March 2006, with respect to the combination of Hurwood and Shanahan have been fully considered but they are not persuasive.

The applicant argues that Hurwood and Shanahan are non-analogous art (page 8). However, the examiner respectfully disagrees. The problem to be solved is preserving metadata information within an XML document (claim 2). While Hurwood discloses the use of an XML document containing report data, Hurwood does not teach preserving the data for subsequent access. Shanahan solves this problem by saving the metadata so that it may be modified (paragraph 0015). Therefore, Shanahan and Hurwood are both directed toward the same field of endeavor.

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The applicant's argument that Hurwood and the combination of Hurwood, Shanahan, and Summerlin fail to teach all the amended limitations of the claims (page 7), is persuasive. Therefore, the Clendinning reference has been added to address the amended claim limitations.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle R Stork
Patent Examiner
Art Unit 2178

hrs



**CESAR PAULA
PRIMARY EXAMINER**